

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANIEL A. MARKS,

Plaintiff,

v.

ORDER

17-cv-367-bbc

UNION BANK OF BLAIR, CARL AXNESS,
DENNIS STEPHENSON, LOREN RAUSCH,
and ANDREW SEMB,

Defendants.

Plaintiff Daniel A. Marks has filed a proposed civil complaint and seeks to commence this lawsuit without prepayment of the filing fee pursuant to 28 U.S.C. § 1915.

To determine whether a plaintiff is indigent for purposes of prepaying the filing fee, the court makes the following calculation. From plaintiff's annual gross income, the court subtracts \$4,200 for each dependent, excluding the plaintiff. If the balance is less than \$36,000, plaintiff may proceed without any prepayment of fees and costs. If the balance is more than \$36,000, plaintiff must pay the \$400 filing fee. Substantial assets or debts require individual consideration.

From plaintiff's affidavit of indigency, I find that he receives \$1,450 per month in disability income. In addition, in the previous 12-month period, plaintiff received \$11,030 from a pension and \$4,500 in income earned from his self-employment. Plaintiff has no dependents or substantial debts or assets that require consideration. Adding these amounts together results in a gross annual income of \$32,930. Accordingly, I find plaintiff eligible to proceed without prepayment of the filing fee.

ORDER

IT IS ORDERED that Plaintiff Daniel A. Marks's motion for leave to proceed without prepayment of fees is GRANTED. Plaintiff's complaint is taken under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Once the screening process is complete, a separate order will issue. If plaintiff needs to communicate with the court about this case, he should be sure to write the case number shown above on his communication.

Entered this 16th Day of May, 2017.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge